

Message Text

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ORIGIN PM-09

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R 210110 Z APR 73

FM SECSTATE WASHDC

TO AMEMBASSY BELGRADE

INFO CINCEUR

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E. O. 11652: N/ A

TAGS: MASS, YO, US

SUBJECT: DISPOSAL OF MILITARY EQUIPMENT

1. YUGOSLAV EMBASSY COUNSELOR MARJAN OSOLNIK CAME TO THE DEPARTMENT (PM BUREAU) APRIL 16 TO INQUIRE INTO PROCEDURES FOR DISPOSING OF OUT- DATED MILITARY EQUIPMENT WHICH YUGO-SLAVIA ACQUIRED DURING 1950' S FROM U. S. SPECIFICALLY OSOLNIK MENTIONED F-84 AND F-86 AIRCRAFT, ANTI- AIRCRAFT WEAPONS AND AMMUNITION AS AMONG THE ITEMS ON APPARENTLY RATHER EXTENSIVE LIST. IN REPLY TO OSOLNIK' S INQUIRY, DEPT OFF OUTLINED LEGAL AND PROCEDURAL REQUIREMENTS FOR DISPOSAL OF US- ORIGIN EQUIPMENT, WHETHER ACQUIRED UNDER MAP OR BY PURCHASE. FOLLOWING IS REVIEW OF SUCH REQUIREMENTS FOR EMBASSY' S GUIDANCE.

2. DEFENSE ARTICLES ACQUIRED UNDER MAP, WHEN NO LONGER NEEDED FOR THE PURPOSE FOR WHICH FURNISHED, SHOULD BE REPOR-
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TED TO THE US DEFENSE ATTACHE IN BELGRADE AS EXCESS. THE DATT, TO THE EXTENT PRACTICABLE, WILL DETERMINE CONDITION OF THE MATERIEL AND REPORT MAJOR ITEMS TO THE APPROPRIATE MILITARY DEPARTMENT FOR SCREENING AGAINST MAP AND OTHER US REQUIREMENTS. IN THE CASE OF YUGOSLAVIA, THE DATT MIGHT HAVE TO SEEK ASSISTANCE FROM USCINCEUR OR ACCEPT GOY APPRAISALS OF MATERIEL CONDITION. MATERIEL FOR WHICH OUR SCREENING PROCEDURES TURNED UP NO REQUIREMENTS, INCLUDING NO REQUIREMENTS FOR SALES PURPOSES, WOULD THEN BE DISPOSED OF

IN ACCORDANCE WITH ANY EXISTING GOVERNMENT- TO- GOVERNMENT ARRANGEMENT OR IN ACCORDANCE WITH THE DEFENSE DISPOSAL MANUAL (DOD 4160.21 M). IN GENERAL THE REGULATIONS PROVIDE THAT ANY LETHAL MATERIEL NOT SCRAPPED MUST BE DEMILITARIZED BEFORE EFFECTING ANY OTHER DISPOSAL. THE REQUIREMENTS FOR DEMILITARIZATION ARE SPELLED OUT IN DETAIL IN VARIOUS US TECHNICAL PUBLICATIONS AND GENERALLY LEAVE THE EQUIPMENT IN SUCH CONDITION THAT IT CAN ONLY BE SCRAPPED. EXCEPTIONS TO THE FOREGOING MAY BE APPROVED ONLY IF FULL JUSTIFICATION IS PROVIDED TO THE DIRECTOR, DSAA, ON A CASE- BY- CASE BASIS. (SEE MASM, PART II, CHAP V). IN THE CASE OF THE F-86 AND F-84 AIRCRAFT OUR PRELIMINARY INDICATIONS ARE THAT NO US REQUIREMENTS EXIST. HOWEVER, BEFORE WE WOULD MAKE A POLICY DECISION ON RESALE OF THESE AIRCRAFT TO THIRD COUNTRIES WE WOULD NEED TO KNOW PROPOSED RECIPIENT COUNTRY AND HAVE AN ASSURANCE THAT THIRD COUNTRY WOULD NOT RESELL AIRCRAFT WITHOUT USG PERMISSION.

3. AS REGARDS DEFENSE ARTICLES PURCHASED UNDER FMS DIRECTLY OR FROM COMMERCIAL FIRMS, TRANSFER TO ANOTHER COUNTRY OF SUCH ARTICLES IS ALSO PROHIBITED WITHOUT USG CONSENT. UNDER US LAW, SUCH CONSENT CANNOT BE GIVEN UNLESS THE USG WOULD ITSELF TRANSFER ARTICLES IN QUESTION TO PROPOSED THIRD COUNTRY RECIPIENT. MOREOVER, CONSENT CANNOT BE GIVEN TO THE TRANSFER OF ANY SIGNIFICANT DEFENSE ARTICLES ON US MUNITIONS LIST UNLESS (L) THE FOREIGN COUNTRY REQUESTING CONSENT TO TRANSFER AGREES TO DEMILITARIZE SUCH DEFENSE ARTICLES PRIOR TO TRANSFER, OR (2) THE PROPOSED RECIPIENT FOREIGN COUNTRY PROVIDES A COMMITMENT IN WRITING TO THE U. S. GOVERNMENT THAT IT WILL NOT TRANSFER SUCH DEFENSE ARTICLES, IF NOT DEMILITARIZED, TO ANY OTHER FOREIGN COUNTRY OR PERSON WITHOUT FIRST OBTAINING USG CONSENT.

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4. IN COURSE OF DISCUSSION, OSOLNIK COMMENTED THAT SEVERAL PRIVATE AMERICAN COMPANIES (HE DID NOT NAME THEM) HAD EXPRESSED DESIRE TO PURCHASE THE USED EQUIPMENT FROM YUGOSLAVIA. OSOLNIK INQUIRED INTO POSSIBILITY OF GOY SIMPLY SELLING EQUIPMENT TO THESE COMPANIES AND LEAVING TO THEM ARRANGEMENTS FOR ITS DISPOSAL. DEPTOFF REITERATED THAT LAW PROHIBITS TRANSFER OF MILITARIZED EQUIPMENT TO PRIVATE ENTITIES UNLESS DESTINED FOR APPROVED COUNTRY; ANY TRANSFER OF US- ORIGIN EQUIPMENT, WHETHER BY MAP OR PURCHASE, MUST BE APPROVED BY USG.

5. AS FIRST STEP, DEPTOFF RECOMMENDED GOY ADDRESS A NOTE TO EMBASSY BELGRADE LISTING THE ITEMS OF EQUIPMENT FOR DISPOSAL AND WHETHER ACQUIRED BY MAP OR PURCHASE. OSOLNIK TOOK NOTES AND SAID HE WOULD INFORM HIS AUTHORITIES.

6. FYI. AGREEMENTS BETWEEN USG AND GOY CONTAINING ASSURANCES RE NON- TRANSFER WITHOUT USG CONSENT OF DEFENSE ARTICLES GRANTED OR SOLD BY USG TO GOY WERE ENTERED INTO ON AUGUST 25, 1959 (TIAS 4300, 4301) AND REMAIN IN FORCE.

7. DEPARTMENT OF DEFENSE CONTRIBUTED TO PARAS 2 AND 3 ABOVE AND CONCURS IN THIS MESSAGE. PORTER

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